

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HOLLI LUNDAHL, a/k/a HOLLI
TELFORD

Defendant.

No. 19-CR-50156-LRR

ORDER

The matter before the court is the government’s “Motion to Dismiss Count III of Second Superseding Indictment” (“Motion”) (docket no. 202), which the government filed on March 19, 2021. In the Motion, the government moves “for an Order dismissing Count III of the Second Superseding Indictment . . . without prejudice, in the best interests of justice.” Motion at 1.

Pursuant to Federal Rule of Criminal Procedure 48(a), “[t]he government may, with leave of court, dismiss an indictment, information, or complaint.” Fed. R. Crim. P. 48(a). “[T]he district court may deny leave to dismiss an indictment . . . when dismissal is clearly contrary to the manifest public interest.” *United States v. Jacobo-Zavala*, 241 F.3d 1009, 1012 (8th Cir. 2001). In this case, the court finds that dismissal is not clearly contrary to the manifest public interest. *See id.* at 1013-14 (finding that dismissal is contrary to the manifest public interest when the prosecutor acts in bad faith or has other improper motives). Accordingly, the Motion is **GRANTED**. Counts III of the Second Superseding Indictment (docket no. 87), as it pertains to Defendant is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

DATED this 20th day of March, 2020.

A handwritten signature in black ink, appearing to read "Linda R. Reade", is written over a horizontal line.

LINDA R. READE, JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA